



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

MAEVE VALLELY BARTLETT  
Secretary

DAVID W. CASH  
Commissioner

December 31, 2014, via e-mail

Dear MassCAIR Facilities, Stakeholders, and Members of MassDEP SIP Steering Committee and Air Permitting Forum:

Massachusetts has been subject to EPA's CAIR summertime ozone program, which the Massachusetts Department of Environmental Protection (MassDEP) has implemented through regulation 310 CMR 7.32, known as MassCAIR.

As you are likely aware, the U.S. Court of Appeals for the District of Columbia Circuit (Appeals Court) recently issued a decision to grant the U.S. Environmental Protection Agency's (EPA) request to allow the Cross-State Air Pollution Rule (CSAPR) to take effect and supersede EPA's Clean Air Interstate Rule (CAIR) as of January 1, 2015.

Massachusetts is not subject to the CSAPR program. However, under the federal Clean Air Act and the Massachusetts State Implementation Plan, MassDEP is not permitted to backslide on its ozone reduction requirements, and therefore is required to maintain the NO<sub>x</sub> emission reductions required by the MassCAIR program.

MassDEP is currently working on how to replace the MassCAIR program, which could be a regulation or other enforceable program that demonstrates to EPA that the NO<sub>x</sub> emissions reductions will be maintained. At minimum, this will include the requirements for NO<sub>x</sub> mass emissions monitoring and reporting found in 40 CFR 75 subpart H, which currently are implemented in 310 CMR 7.32, and were previously implemented as part of 310 CMR 7.28.

The purpose of this email is to make you aware that the monitoring, reporting, and recordkeeping requirements of 310 CMR 7.32 (8) and (9) remain in effect. This means that facilities should continue to report NO<sub>x</sub> mass emissions data and heat input data quarterly to EPA via CAMD and an ozone season net output report to MassDEP. The next quarterly emissions report is due to EPA via CAMD by January 31<sup>st</sup>, 2015 and next ozone season net output report is due to MassDEP by December 1<sup>st</sup>, 2015. Facilities must continue to comply with these requirements while MassDEP considers options for maintaining ozone season reductions.

MassDEP is planning to work with affected facilities and other stakeholders in drafting a replacement regulation or other program, and will provide further information in the first quarter of 2015. In the meantime, if you have any questions, please contact Michelle Thibodeau at 617-292-5664, Marc Cohen at 617-292-5873, or Marc Wolman at 617-292-5515.

Sincerely,

***Michelle Thibodeau***

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